
**Commonwealth of Virginia
Virginia Department of Labor and Industry
Division of Labor and Employment Law**



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Summary of Virginia's Child Labor Laws

To employ a teenager in Virginia, an employer must comply with the Commonwealth's child labor laws, which are found in the Code of Virginia at §§ 40.1-78 through 40.1-116. This pamphlet summarizes the major requirements of these laws. If you have questions not covered by this pamphlet, call one of the offices listed here or visit our Web site at <http://www.doli.state.va.us>.

In addition, in areas where classifications and examples are used, the pamphlet only highlights the occupations or areas that most frequently arise as questions. You should always visit our Web site to obtain a current, complete version of the law and regulations.

A. Work Permits Are Required

In Virginia, every teenager 14 or 15 years of age must have an employment certificate (work permit) to work at a job. The only exceptions to this requirement are listed below.

Exceptions: Jobs For Which Work Permits Are Not Required

1. On farms, in gardens, and in orchards that are operated by a parent or guardian.
2. Work around the home for parents.
3. Volunteer work.
4. Non-manufacturing jobs where a parent owns the business.
5. Page or clerk for either the House of Delegates or Senate of Virginia.
6. Occasional work around someone else's home, such as yard work.
7. Work performed for state or local government.

Minimum Age

With certain limited exceptions, children under the age of fourteen are not permitted to work. Therefore, children under fourteen are not issued work permits.

Who Issues Work Permits

Work permits may be obtained at most public high schools and many private schools. Students who are home schooled should visit the nearest high school in order to obtain a work permit. In addition, students who live out of state during the school year must wait until they arrive in Virginia to obtain a work permit. They may also visit the nearest high school once they arrive in Virginia.

How to Obtain a Work Permit

Teenagers can get the forms they need from their local school. These forms are:

- (1) **Intention to Employ:** This form is filled out by the employer. The employer must state clearly the kind of work the teenager will be performing, the number of days per week, the number of hours per day, and the amount of time given for lunch periods.
- (2) **Permission for Employment:** This form is filled out by the parent. It is best if the teenager and parent go together to the school to sign the form. If necessary the parent may submit a notarized statement giving permission for the teenager to work.

Along with these two forms, the teenager should bring evidence of his or her age, such as:

1. Birth certificate

2. Baptismal record
3. Insurance policy at least one year old
4. School record
5. Passport

Who Keeps the Work Permit

Three copies of the work permit are issued.

- (1) The teenager takes the first copy to the employer. The employer must keep that copy at the work place. If the teenager changes jobs, a new work permit must be issued for the new job. The teenager may not use the same permit that was issued to the previous employer.
- (2) The second copy is kept on file at the school.
- (3) The third copy, along with the Intention to Employ and Parent's Permission forms, is sent to the Virginia Department of Labor and Industry by the Issuing Officer at each school.

Permits May be Refused and Revoked

Work permits can be revoked if they are obtained by misrepresentation or by mistake. In addition, a permit will not be issued in a case where it is apparent from the supporting documentation that the requirements of the child labor laws and regulations are not being met.

Age Certificates are Recommended

Employers who are inspected must prove the age of their employees. The Department recommends that employers obtain and keep on file age certificates so they can easily prove the age of their employees. Any state or federal labor representative will accept an age certificate. Age certificates

can be obtained from any school that issues work permits; the teenager only has to submit acceptable evidence proving his or her age.

B. Hours of Work

Teenagers sixteen and seventeen years of age have no restrictions on their hours of work.

Teenagers fourteen and fifteen years of age engaged in non-agricultural work may not work:

- During school hours unless they are enrolled in a school work-training program.
- More than forty hours in any one week when school is not in session.
- More than eighteen hours in any one week when school is in session.
- More than eight hours in any one day when school is not in session.
- More than three hours in any one day when school is in session.
- Before 7 a.m. or after 7 p.m., except that from June 1 through Labor Day, the teenager may work until 9 p.m.
- Five hours of continuous work without a 30-minute rest or meal period.

Teenagers fourteen and fifteen years of age engaged in agricultural work may not work:

- During school hours unless they are employed by their parents on farms, in gardens or orchards owned by their parents.
- Five hours of continuous work without a 30-minute break.

NOTE: According to 16 VAC 15-40-10, "school hours" means those periods when the school

attended by the minor is in regular session, and does not include hours before and after school, Saturdays and Sundays, holidays, or school vacations, including summer vacations. If the minor does not attend school, "school hours" shall mean the school hours of the school district in which the minor is currently living.

Youths twelve and thirteen years of age:

- Newspaper carriers cannot work before 4 a.m., and are otherwise subject to the hours of work limitations.
- Youths working on farms, in gardens, and in orchards can work outside of school hours with parental consent.

Teenagers of any age:

There are no restrictions on the hours of work in the following situations:

- Non-manufacturing jobs where the teenager's parent owns the business.
- Page or clerk for either the House of Delegates or the Senate of Virginia.
- Work around the home for a parent.
- Work on farms, in gardens, and in orchards that the parents own or operate.
- Theatrical performers who have obtained a valid theatrical permit from the Virginia Department of Labor and Industry.
- Work performed for state or local government.
- Activities performed for a volunteer rescue squad.

NOTE: Teens who are performing occasional work around someone else's home, such as yard work, cannot work during school hours.

C. Time Records

Under Virginia's child labor laws, all employers must keep time records on teenagers they employ. The records must meet the following requirements:

- Must be kept for all teenagers under 16.
- Must be kept at the place of work.
- Must show the beginning and ending time of work each day and the time given for a meal or rest period.
- Must be kept for at least three years from the last date of teenager's employment.

D. What Teenagers Can Do Under Virginia's Child Labor Laws

The Virginia Department of Labor and Industry supports the employment of teenagers in any job allowed by law that does not endanger the teenager's health, safety, or well-being.

Teenagers under the age of 18 cannot be employed in occupations determined to be hazardous by the Commissioner of Labor and Industry.

Age Sixteen:

Teenagers at least sixteen years old may work at many jobs in:***

- Manufacturing
- Construction trades
- Garages and auto repair shops
- Canneries
- Laundries and dry cleaners
- Hospitals and nursing homes

- Radio and TV repair
- Hotels and motels
- Printing and publishing firms
- Processing
- Wholesale houses
- Feed mills
- School bus drivers
- Fire fighting except entering "burning structures"
- Undertaking establishments and funeral homes
- Theaters
- Scaffolding work
- Fairs and carnivals
- Ice plants
- Service of veterinarian when treating farm animals or horses
- Warehouses

***NOTE: Teenagers may not operate certain machinery which has been declared hazardous in regulations issued by the Virginia Department of Labor and Industry, even though the industry or occupation appears on the list above. A list of these occupations is available on our Web site at www.doli.state.va.us or from our regional offices.

Age Fourteen:

Teenagers at least fourteen years old may work at many jobs in:***

- Restaurants

- Retail stores
- Office work
- Radio & TV stations
- Gasoline service establishments
- Skating rinks
- Hotel and motel food service departments
- Concessions and gatekeepers at swimming pools
- Branch stores of laundries and dry cleaning establishments where no processing is performed on the premises
- Veterinary establishments
- Kennels
- Helper on commercial vehicles or trucks with no more than two axles
- Greenhouses and nurseries
- Insurance and real estate
- Cutting grass
- Caddies
- Kitchen work, tray service, and hall cleaning in hospitals and nursing homes
- Advertising agencies

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Age Twelve:

Youths at least twelve years of age may:

- Deliver newspapers
- Work on farms, in gardens, or in orchards with parental or guardian consent
- Be a referee at sporting events sponsored by an eleemosynary organization or governmental unit

Any age:

Youths may:

- Perform in theatrical performances with a permit obtained from this Department
- Work on a parent's farm, garden, or orchard
- Work in a parent's non-agricultural business (except for manufacturing or hazardous jobs)
- Work as a page or clerk in the General Assembly
- Work for a public employer

- Grinding, abrasive, polishing, or buffing machines
- Preparation of compositions using poisonous or dangerous chemicals
- Manufacture of paints, colors, or white lead
- Manufacture or delivery of alcoholic beverages
- Establishments where consumption of alcoholic beverages is the main business
- Driver or helper on truck or commercial vehicle with more than two axles

The following occupations have been declared hazardous by regulations promulgated by the Commissioner of Labor and Industry:

- Manufacturing or storage occupations involving explosives
- Motor vehicle occupations
- Logging and sawmilling occupations
- Power-driven woodworking machine occupations
- Occupations involving exposure to radioactive substances and to ionizing radiations
- Power-driven hoisting apparatus occupations
- Power-driven metal forming, punching, and shearing machine occupations
- Occupations in connection with any mining operation
- Occupations involving slaughtering, meat-packing or processing or rendering
- Power-driven bakery machine occupations

E. Employment Prohibited Under Virginia Law

Certain occupations and job tasks are prohibited for teenagers.

Age Eighteen:

Teenagers under eighteen years of age may not work in the following places or occupations:

- Any occupation that exposes them to a recognized hazard capable of causing seriously physical harm or death

- Power-driven paper products machine occupations
- Occupations involved in the manufacture of brick, tile, and kindred products
- Occupations involved in the operation of power-driven circular saws, band saws, and guillotine shears
- Occupations involved in wrecking, demolition, and shipbreaking operations
- Occupations in roofing operations
- Occupations in excavation operations
- Fire fighting
- Warehouses
- Processing in dry cleaners or laundries
- Undertaking establishment or funeral home
- Curb service restaurant
- Hotel and motel room service
- Ice plant
- Ushers in theaters
- Brick, coal, or lumber yard
- Outdoor theater
- Cabaret, carnival, fair, floor show, pool hall, club, or roadhouse
- Lifeguard at a beach

Age Sixteen:

Teenagers under sixteen may not work in the following places or occupations:

- Solicitation trades, except in connection with non-profit organizations
- Street trades, except in connection with non-profit organizations
- Manufacturing or mechanical establishments
- Construction trades
- Scaffolding
- Commercial canneries
- Operation of any passenger or freight elevator
- Dance studio
- Laboratory helper, therapist, orderly, or nurse's aide in an establishment providing resident patient care
- Service of a veterinarian in treating of farm animals or horses

F. Enforcement Procedures

The Virginia Department of Labor and Industry may inspect businesses at any time during business hours. Representatives may tour the work place and examine any records of employment, such as payroll, time cards, and work permits. They may interview any employee. Anyone who illegally employs a minor may be subject to a civil money penalty of up to \$1,000 for each violation of the child labor provisions. When a civil money penalty is assessed against an employer, the employer may, within fifteen days after receipt of the notice of such penalty, notify the Virginia Department of Labor and Industry by certified mail that they wish to contest the penalty.

Under Virginia Code §40.1-112, a solicitation permit must be obtained from the Commissioner of Labor and Industry to employ a child who is at least sixteen, in any trade in a street or other public place, including the sales of candy, books, and subscriptions for periodicals. A violation of this law is a Class 1 misdemeanor, punishable by a year in prison and a \$2,500 fine.

G. Federal Laws May Apply

Even though a teenager between the ages of fourteen and eighteen years old may be in compliance with Virginia law, the teenager or his or her employer may nevertheless be in violation of the federal Fair Labor Standards Act. Employers who are covered by federal law should check carefully to insure that they are in compliance with federal as well as Virginia law. Whenever state and federal law differ, the more stringent standard applies. For answers to any question regarding federal laws and rules on child labor, please contact the Wage and Hour Division of the United States Department of Labor or visit that agency's Web site at www.dol.gov.

Commonwealth of Virginia Department of Labor and Industry Division of Labor and Employment Law

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